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The Silicosis Story: Mass Tort Screening and the Public Health

The Mississippi Radiation Law of 1976, Sections 45-14-1 thru 45-14-69 of the Mississippi Code of 1972, annotated established the Mississippi Department of Health as the state agency to administer a state-wide radiation program and to promulgate regulations for the use of sources of radiation, Sections 45-58-1 through 41-58-5, of the Mississippi Code of 1972 and the Mississippi Department of Health's "Regulations Governing Registration of Medical Radiation Technologists", established the requirements for radiological technologists in 1997.

The Mississippi Regulations for Control of Radiation (MRCR) has provisions which address healing arts screening. These specific provisions were adopted from the Suggested State Regulations, which were developed by the Conference of Radiation Control Program Directors, Inc. to promote uniform radiation protection regulations among the states.

The purpose of healing arts screening was to allow screening of individuals for certain health indications without the requirement that the physician write a specific and individual order for each person. However, a screening program must still be conducted under the authorization of a physician licensed in accordance with the Mississippi statutes.

In order to conduct a health screening program, a company must submit the required information as listed in Appendix B of Section F of the Mississippi Regulations for Control of Radiation in letter form requesting approval, signed by an officer of the company or management given the authority to do so. A health screening program must not be initiated without approval of the Agency.

A review of the records indicates that the Mississippi Department of Health has conducted four investigations of companies with mobile x-ray units for conducting health screening without the Agency's approval. All companies were cited for failure to comply with the regulations. Three of the four companies terminated their activities within the state of Mississippi. The fourth company submitted a screening program which was later approved.

With the exception of two health screening programs approved for bone density studies at two universities, no health screening programs using sources of radiation are currently approved.

The Mississippi Department of Health has implemented certain procedural changes in the review of applications and issuing registrations for screening programs. The Division Director reviews all applications for health screening programs in consultation with the medical members of the Radiation Advisory Council. Only those applications associated with a medical or educational institution and conducting a specific medical

study will be considered. All applications will require, in addition to an officer or management signature, the medical director's signature.

The registration for screening programs will contain specific conditions that identifies the program has been approved under the medical director and that the registrant must notify the Agency if any information becomes invalid or outdated. In addition to placing specific conditions on registrations approved for health screening, all mobile x-rays units registrations will have a condition that clearly states that the registrant is not authorized for healing arts screening and that the unit must be used only under the authorization of a physician licensed in accordance with Mississippi statutes.

The staff is currently working on revising Section F, "X-rays in the Healing Arts" of the Mississippi regulations to clarify the healing arts screening requirements. The CRCPD Healing Arts Working Group is also revising the Suggest State Regulations on healing arts screening.

Although, the steps taken above will certainly improved the regulation of screening programs in Mississippi, there will still be those companies that will conduct illegal health screening programs without the knowledge of Mississippi Department of Health .